

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ALAN L. GALLAGHER,

No. 3:19-cv-01342-JR

Plaintiff,

ORDER

v.

CAPELLA EDUCATION COMPANY
and CAPELLA UNIVERSITY, INC.,

Defendant.

HERNÁNDEZ, District Judge:

Magistrate Judge Russo issued a Findings and Recommendation on July 1, 2020, in which she recommends that this Court grant Defendants' Motion to Dismiss and dismiss this case with prejudice. F&R, ECF 39. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Plaintiff filed timely objections to the Magistrate Judge's Findings & Recommendation. Pl. Obj., ECF 41. When any party objects to any portion of the Magistrate Judge's Findings & Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).


The Court has carefully considered Plaintiff's objections and concludes that there is no basis to modify the Findings & Recommendation. The Court has also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's Findings & Recommendation.

CONCLUSION

The Court ADOPTS Magistrate Judge Russo's Findings and Recommendation [39]. Therefore, Defendants' Motion to Dismiss [35] is GRANTED and this case is dismissed with prejudice.

IT IS SO ORDERED.

DATED: March 1, 2021.


MARCO A. HERNÁNDEZ
United States District Judge